

Washington County Land Use Authority Meeting
June 22, 2010
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, June 22, 2010, at the Washington County Water Conservancy District Office, 533 E Waterworks Drive, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present: Joann Balen, Debora Christopher and Doug Wilson. Also present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Todd Edwards, Public Works Engineer; John Willie, Senior Planner; and Darby Klungervik, Planning Secretary.

Excused: Kim Ford, Julie Cropper and Dave Everett

Absent: Rick Jones

Audience attendance: Chris Mathisen, Matt Haynes, Gary Simonson and Karl Sorenson

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. SPECIAL MEETING: **STAFF COMMENTS.** Review staff comments for each item listed below. Staff initiated.

Item #2. CONDITIONAL USE PERMIT EXTENSION Request permission to establish a temporary sales office for the Whispering Pines development, 87 lots, on Kolob Mountain. Karl Sorenson, applicant.

Commissioner Christopher made a motion to table this item until the end of the meeting, whereas the applicant had not arrived yet. Commissioner Balen seconded the motion, with all three (3) commissioners and the chairman voting aye.

The Planner said this is an automatic annual review for a temporary sales office within the Whispering Pines Subdivision on Kolob, and runs with the development, until the lots are sold, as it is a project sales office. The applicant has submitted a site plan for review and has arrived to provide an update.

Karl Sorenson, applicant, requested a year extension; he wants to start building a cabin on one of the lots. The sign ordinances prevent him from putting up any type of directional sign between here and Kolob and he stated that hurts sales. He was even unable to establish signage on his partner's (Interstate Rock) private property. He noted freeway signs are about \$2500 dollars a month and not feasible at this time. He noted they will be offering seller financing on their lots.

The commission discussed sign ordinances and determined the cities must have stricter guidelines.

Commissioner Balen made a motion to recommend approval of the Conditional Use Permit Extension for a temporary sales office for the Whispering Pines development, for a period of

one (1) year. Commissioner Wilson seconded the motion. All three (3) Commissioners and the Chairman voted aye.

Item #3. CONDITIONAL USE PERMIT EXTENSION Review request to construct a motocross and ATV track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy 18 on North Baker Lake Road and 300 East in Central. Robert and Mary Houston, applicants and Gary Simonson, agent.

The Planner explained this is an automatic annual review of a motocross and ATV track, which is for personal and public use, with several scheduled events each year. Previously, the commission determined this zone was similar and compatible with surrounding land use and will need to make findings that the use is consistent or similar with the characteristics and purposes stated for the zone. The proposed use requested is similar to the gravel pits, trail uses and private recreation grounds and facilities allowed conditionally within the OST-20 zone. The commission addressed concerns about noise and dust pollution, parking, ingress and egress for safe travel, hours of operation, water, and sanitary facilities, and emergency services available. The Planner included that Commissioner Gardner did express concern about the dust. The applicant's agent is present to provide an update.

Gary Simonson, agent, said they have held two races, one of which was a charity event and they raised \$4200 dollars for a family. They have had people break in and use the track which is likely the cause of the dust. They do have gates that are posted and have done the best they can to keep people out and keep the track watered down. He said they have ambulances on site during races and porta potties all the time. In reply to the planner, he said the fire department had not contacted them about any additional fees.

Commissioner Wilson noted he has heard good reports on the track and the dust control.

Motion was made by Commissioner Balen to recommend approval of the Conditional Use Permit Extension to construct a motocross and ATV track within the OST-20 zone, for a period of one (1) year. Commissioner Christopher seconded the motion. All three (3) Commissioners and the Chairman voted aye.

Item #4. CONDITIONAL USE PERMIT Request permission for a charity ride Tour De St. George to be held on October 16, 2010. The route will loop from St. George up Hwy 18 to Snow Canyon turn off located north of Winchester Hills, then from Kayenta along Old Hwy 91 in the Ivins area and portions of Old Hwy 91 north and south of Leeds. Spin Geeks, LLC/Chris Mathisen, applicant.

The Planner noted that this is an added portion of the Tour de St. George series, which has been running since 2005. This is a 100-mile recreational bicycle ride, with approximately 300 - 400 riders. It is a one-day Tour De St. George Fall event starting in St. George. They are taking care of all the community approvals, whereas the majority of the race is in the incorporated areas. On riding tours, helmets are required and riding two abreast is allowed if space permits. The route will impact some County roads and they will be doing a loop from St. George up Hwy. 18 to the Snow Canyon turn off north of Winchester Hills then along Old Hwy. 91 from Ivins to Dixie Drive back to St. George. There will be two sanitary facilities at each rest station. The County Sheriffs Department has been

notified of this event and the County has been listed as a beneficiary on the liability insurance policy. There have been no complaints on their previous event in March.

Chris Mathisen, applicant, informed the commission that 300-400 riders is the minimum, they allow up to 1500 riders.

Matthew Haynes, applicant, said they provide porta potties and emergency services. He included they did have a rider go down in the spring ride and a sag vehicle was right there to pick him up and took him straight to the hospital. They have done a good job making sure the riders are protected.

Mr. Mathisen added they have a huge investment in signs to keep the vehicles informed. Matthew provides training prior to the ride, briefing them on the safest ways to ride and what to do if they need assistance. They offer three rides: a thirty (30) mile, sixty (60) mile and a hundred (100) mile. All proceeds go to the St. George City police department. St. George is the safest community in the country and they want to get the word out.

Motion was made by Commissioner Christopher to recommend approval of the Tour De St. George charity ride to be held on October 16, 2010. The route will loop from St. George up Hwy 18 to Snow Canyon turn off located north of Winchester Hills, then from Kayenta along Old Hwy 91 in the Ivins area and portions of Old Hwy 91 north and south of Leeds. Commissioner Wilson seconded the motion and all three (3) Commissioners and the Chairman voted aye.

Item #5. WORK MEETING: DISCUSSION ITEM/GENERAL PLAN AMENDMENT.

Review Section III. The Bureau of Land Management, Section IV. The National Forest and Section V. Zion National Park portions of the Washington County General Plan of 2010. County initiated

The Planner said for the past year John Willie has been working on the General Plan, reviewing the 1st two sections at the previous meeting. He is ready to review the next three sections in draft form, Section III., The Bureau of Land Management, Section IV., The National Forest, and Section V., Zion National Park portions of the Washington County General Plan of 2010. The commission should be ready to make comments from their outline of these three sections.

John Willie reviewed the maps that will be included in the General Plan and said they will be included when GIS finishes them.

Mr. Willie and the commission discussed the BLM's transportation plan and the Northern Corridor through the habitat and Mr. Willie explained that the federal land use bill mandated the BLM to suggest an alternate road through the habitat. They also discussed special use roads and it was noted that these are not necessarily open to the public and some of these may be closed.

Todd Edwards, County Engineer, said the county took their road plan and overlaid the BLM's roads and ninety-nine percent matched, but the BLM showed more roads than the county had identified. The county added about a dozen roads from their map. He said BLM's intent is to leave any roads that were open when the land use bill passed open and to close any newly created roads. He also told the commission that he would like to submit the General Plan as a comment to the BLM.

The following suggestions were noted:

- The commission would like to bold or highlight the following: All such roads are very important to those that have the need to use them. None of these roads should be closed without consultation with county officials (Page 27/28).
- Mr. Willie clarified that there will not be suggested locations for transmission towers (Page 29).
- Commissioner Wilson suggested adding mountain bikes to the sentence that says, “Trails for use by hikers, horseback riders, or users of non-motorized vehicles (Page 30).
- The Commission discussed water storage in the county and it was agreed that Commissioner Wilson would prepare a list of the known water storage and provide a copy to Mr. Willie (Page 33).
- They commission would like to underline the following: “The county does not support, nor can it tolerate, a complete closure of areas to government officials, permit holders, legitimate operators, and the general public simply to satisfy the demands of any special interest group that desires to close public lands to all forms of human use provided for in current state and federal law and existing land use plans. The county is willing and anxious to promote a collaborative approach to managing the lands and resources within the NCA in concert with BLM, the State of Utah, and private managing or lands and resources within the NCA in concert with BLM, the State of Utah, and private land in-holders.” (Page 35)
- The Chairman suggested removing the term inholdings and replacing it with a statement that clarifies the fact that the park has grown around private property (Page 49).
- The Commission discussed the fire management plan and shared highlights of the plan. They suggested highlighting and/or underlining the information they would like to stand out.

Item #6. DISCUSSION ITEM/ORDINANCE AMENDMENT Review possible changes to Title 10, Chapter 4-1: Definitions on Accessory Building and Accessory Dwelling Unit. County initiated.

The Planner noted these two definitions have been revised from the Planning Commission’s review on staff recommendation for text change on Accessory Buildings and Accessory Dwelling Units. There needs to be language on habitable space and occupiable space as defined in the building codes and delete some of the structures defined. Presently, the ordinance does not allow for an accessory building unless there is a primary residential building on the lot before a permit is issued, so that sentence was revised to be permitted concurrently. In the past, staff has issued permits together, so they can be built simultaneously, allowing for their equipment and materials to be stored in a workshop/garage/barn type facility. Staff agrees that these changes could be reviewed by going directly to the advertising process for a hearing on the 13th of July.

The Commission discussed adding a definition for “habitable” and it was suggested by the Deputy Attorney to add, “As defined by the building code.”

Commissioner Wilson and Commissioner Balen expressed concern about not allowing accessory buildings without a primary residential building. Commissioner Wilson said that may be too restrictive.

Todd Edwards, County Engineer, noted that the ordinance said an accessory building could be permitted concurrently with a primary building, but it did not allow for an accessory building to be permitted after a primary building and suggested the commission address that.

The Commission agreed and decided to add, “Or thereafter” after the word concurrently in the ordinance.

No changes were needed for the definition of accessory dwelling unit.

Item #7. DISCUSSION ITEM/ORDINANCE AMENDMENT Review possible changes to Title 10, Chapter 10-2: Commercial Zones - Permitted Uses: Caretaker dwelling in C-2 and RV Parks all Commercial zones and 10- 4.G: Special Provisions, Residential Dwellings change to Recreational Vehicles. County initiated.

The Planner explained that this particular ordinance amendment is a “housekeeping” item that was request by the planning commission at our previous meeting, in an effort to make the ordinance consistent with commercial uses and special provisions under the same chapter. This change allows for caretakers dwelling within the C-2 zone and eliminates the wording “Residential Dwellings: No residential dwelling of any kind, except for...” and permits RV Parks in all commercial zones as stated in 10-10-4.G or as the commission may determine. The staff agreed that this change could be reviewed by going directly to the advertising process for a hearing on the 13th of July.

The Commission decided to remove all of “G” from 10-10-4: Special Provisions. They also decided to only allow recreational vehicle parks in the C-2 zone.

Item #8. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on June 15, 2010. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Director; Tina Esplin, Washington County Water Conservancy District; and Klint Frei and Laurence Parker, Southwest Utah Public Health Department; and Paul Wright, Department of Environmental Quality.

Excused: Ron Whitehead, Public Works Director; and Rachelle Ehlert, Deputy Civil Attorney;

CONDITIONAL USE PERMIT EXTENSION:

A. Request permission to build a single family dwelling within the OST-20 zone, Kolob Mountain on 39 acres near Kolob Reservoir. Kelly Blake, applicant.

This is an automatic annual review, with the applicant previously meeting the requirements for the Conditional Use Permit by submitting a site plan for a dwelling (Permit #6016), septic permit and letters from the Washington County Water Conservancy District stating they will serve culinary water to the property. A septic permit has been issued by the Southwest Utah Public Health Department. Building Inspector Henry Brannon completed a footings and underground plumbing inspection on July 13, 2009. The property is accessed from Kolob Mountain Road, then entering the 500 plus acres owned by the Blake's. The home is being built on the property line and east sectional line on the 39 acres. The site plan meets all setback requirements. **The staff granted approval of the Conditional Use Permit for a single family dwelling for the period of one (1) year.**

B. Review extension to have an accessory dwelling within a garage, located at 395 East Pine Valley Road, Lot 3B, in Pine Valley. Mike Albright.

This is the 3rd extension, with staff reviewing that the accessory dwelling was inspected for a 4-Way (framing, electrical, plumbing, and mechanical) on March 21, 2008, by the Building Official Kurt Gardner. In further review of the permit file, this update was for the main dwelling and not the accessory dwelling. As previously reviewed, the applicant submitted a site plan and floor plan for staff review. An additional septic permit was issued by the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units and the accessory dwelling seems to be incidental to the main dwelling. **The staff granted approval of the Conditional Use Permit extension for an additional year, whereas this area is seasonal in nature and the initial work that went into applying for the conditional use should be enough to keep the use active.**

C. Request permission for an accessory dwelling above a garage at 255 S. 200 West, in Pine Valley. Rexine Rowley, applicant and Jeff Gardner, agent.

This is an automatic annual review for an accessory dwelling to be above a detached garage (Permit #6033). Building Official Kurt Gardner completed a rough electrical inspection on March 15, 2010. Previously applicant obtained approval of the Washington County Water Conservancy District (WCWCD) on densities in the Pine Valley area for an upgrade to the septic system, so the Southwest Utah Public Health Department (SWUPHD) issued another septic permit. The property is within the RE-20.0 zone and meets the setback requirements of that zone. The applicant submitted a site plan and floor plan for review showing the sleeping quarters were labeled correctly). **The staff approved the Conditional Use Permit Extension for another year.**

CONDITIONAL USE PERMITS:

A. Request permission to build a single family dwelling within the A-20 zone, Red Butte Terraces, lot 4, near New Harmony. Daniel and Lynn Pendery, applicants.

The applicant had met some of the requirements for the Conditional Use Permit by submitting a site plan, and having water supplied by the North Valley Water Company, with a receipt from the Ash Creek Sewer District on water density. The representative from the Southwest Utah Public Health Department indicated they had not seen anything submitted for a septic permit. The site plan meets all setback requirements of 25' on all property lines of the 20 acres parcel. **The staff did not act on**

Conditional Use Permit for a single family dwelling. Notification will be sent to Mr. Pendery of the need for a septic permit and water certificate.

B. Request permission to build a single family dwelling within the OST-20 zone, Kolob Mtn. adjacent to Zion Panorama Subdivision. Stanley Stevens, applicant.

The applicant has met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and deeds showing water rights from the Zions Panorama Water Company and right-of-ways to any and all roads across and to the property. Deeds show that this property was created into parcels of 26 and 14 acres in 1984, then added to a deed all-inclusive of Zion Panorama Subdivisions in 1992, then separated out to the original metes and bounds description in 2000. A septic permit has been issued by the Southwest Utah Public Health Department. The property is accessed from Kolob Mountain Road, Oak Valley Road, then traversing through Zions Panorama roadways. The house will be built on a point above the wash area, which is about the only portion on the two parcels that is useable on this steep terrain. The building official indicated that the applicant will need to meet the Urban Wildlands Interface Fire Codes and defensible space. The site plan meets all setback requirements. **The staff granted approval of the Conditional Use Permit for a single family dwelling for the period of one (1) year.**

Item #9. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the following action taken on Planning Items by the Washington County Commission on May 18, 2010, beginning at 4:00 p.m.: (a) Conditional use extension construct and operate an asphalt plat, and reopen for temporary use during construction on I-15, within the I-1 zone, Section 1, T40-S, R13W, SLB&M, zone near Pintura... Sunroc/Russell Leslie or Gene Beck, applicant; (b) Conditional use extension of a gravel crushing operation, within the OST-20 zone in the Pintura area of Washington County... Dana Truman or Gene Beck/Sunroc, applicant; (c) Ordinance amendment for changes to Title10, Chapter 18: Conditional Uses, Section 5: Development Plan: C. Meeting to be Scheduled; Notice... County initiated; (d) Ordinance amendment for changes to Title10, Chapter 8B: Residential Estates Zone, Section 10-8B-3.B.c: Conditional Uses: ten (10) day notice prior to hearing...County initiated; and (e) Ordinance amendment for changes to Title10, Chapter 9: PD Planned Development Zone, Section 10-9-6.C. Conditional Uses: 2: Cemeteries (Utah Code Title 08) and renumbering 2 thru 13... County initiated.

The Planner informed the commission that these items were approved based on their recommendations.

Item #10. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated.

There being no further business at 3:39 p.m., Chairman Stucki adjourned the meeting.

Darby Klungervik, Planning Secretary